## PAPERS LAID ON THE TABLE

SRI R. S. PATIL (Minister for Excise and Labour)—Sir, I beg to lay;

Notification No. HD 22 PES 78 dated 17th July, 1978 The Karnataka Excise Licence (General Conditions) (First Amendment) Rules, 1978.

Under section 71(4) of the Karnataka Excise Act, 1965.

MR. SPEAKER—The Paper is laid.

## Notice of an adjournment Motion

*re : Ill treatment of convict in the Central Jail.*

SRI MICHAEL B. FERNANDES (Bharathinagar)—I have sent a notice of an adjournment motio 1.

SRI S. S. ARAKERI—I want to raise matter relating to the death of 4 years girl on account of raping.

MR. SPEAKER—I will look into it. The Hon. Minister is not here.

SRI S. R. BOMMAI—The Adjournment Motion should be raised immediately after the Question Hour. Accordingly the Hon. Member has raised the matter. Whether the Hon. Chief Minister is present or not is not our concern. I am very sorry, the Chair is saying like this

MR. SPEAKER—I will examine it.

SRI S. R. BOMMAI—He may be permitted to make his submission.

MR. SPEAKER—The matter was not put up to me. Now it has been brought to my notice. I will look into it.

SRI S. R. BOMMAI—It is not the question whether the Office has put it up or not. He has given a notice and he has got the right to to mention about it.

MR. SPEAKER—He can mention about it.

† ಶ್ರೀ ಮೈಕೇಲ್ ಬಿ. ಫರ್ನಾಂಡೀಸ್—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಾನು ಈಗ ಪ್ರಸ್ತಾಪ ಮಾಡುವುದು ಒಂದು ಮುಖ್ಯ ವಿಚಾರವಾಗಿದೆ. ಬೆಂಗಳೂರು ಪ್ರಿಸನ್‌ನಲ್ಲಿ ಒಬ್ಬರು ಕೆ. ಸಿ. ರಿಯಾಜುದ್ದೀನ್ ಎನ್ನುವ ಖೈದಿ ಇದ್ದರು. ಅವರು ಜೈಲು ವಾಸ ಸುಮಾರು ಹತ್ತು ವರ್ಷ ಮುಗಿಸಿ; ಬಿಡುಗಡೆಯಾಗ ಬೇಕು ಎನ್ನುವ ಸಮಯ ಬಂದಿತ್ತು. ಅವರು ಒಬ್ಬ ಮಾಡಲ್ ಪ್ರಿಸನರ್ ಆಗಿ ನಡೆದುಕೊಂಡು ಬಂದಿದ್ದರು. ಅವರಿಗೆ ಎಷ್ಟೋ ಸಾರಿ ರೆಮಿಷನ್ ಸಹ ಸಿಕ್ಕಿದೆ. ಜೈಲಿನಲ್ಲಿ ೧೯೭೮ನೇ ಫೆಬ್ರುವರಿಯಲ್ಲಿ ಒಂದು ರಯಟ್ ಆಯಿತು. ಒಬ್ಬ ಪಾಷಾ ಎನ್ನುವ ಅಂಡರ್ ಟ್ರೈಯಲ್ ಖೈದಿಯನ್ನು ಅಲ್ಲಿ ಸಾಯಿಸಿದರು ಅವರು ಸತ್ತು ಹೋದ ನಂತರ ರಯಟ್ ಆಯಿತು ಮೊದಲು ಅಲ್ಲಿ ಆ ಸಮಯದಲ್ಲಿ ಈ ಪ್ರಿಸನರ್ ಐವಿಟ್‌ನೆಸ್ ಆಗಿದ್ದರು ಆದಕ್ಕಾಗಿ ಇವರನ್ನು ಕೂಡಲೇ, ಬೆಂಗಳೂರು ಸೆಂಟ್ರಲ್ ಜೈಲಿನಿಂದ ಮೈಸೂರು ಜೈಲಿಗೆ ಟ್ರಾನ್ಸ್‌ಫರ್ ಮಾಡಿದರು. ಈಗ ಈ ಪ್ರಿಸನರ್‌ಗೆ ಏನಾಯಿತು ಅವರ ಜೀವಕ್ಕೆ ಅಪಾಯವಿದೆ ಎಂಬ ಭಯವಿದೆ. ಕೆಲವು ವರ್ಷಗಳ ಹಿಂದೆ ಒಬ್ಬ ಖೈದಿ ಪಾಯಿಸನ್‌ನಿಂದ ತೀರಿಹೋದ ಎಂದು ಗೊತ್ತಿದೆ.

ಈ ಬಾರಿ ಅಂಡರ್ ಟ್ರಯಲ್ ಆಗಿದ್ದ ಪಾಷಾ ಎಂಬುವರನ್ನು ಸಾಯಿಸಿದ್ದಾರೆ. ಈ ಬಗ್ಗೆ ಲಿನ್ ಅವರನ್ನು ನೇಮಿಸಿ ಕಮೀಷನ್ ಸೆಟ್‌ಅಪ್ ಆಗಿತ್ತು. ಇದರ ಮುಂದೆ ಈತನು ಎವಿಡೆನ್ಸ್ ಕೊಡುವುದಕ್ಕೆ ಮುಂದೆ ಬಂದಿದ್ದ. ಎವಿಡೆನ್ಸ್ ಕೊಡುವುದಕ್ಕೆ ತಯಾರಾಗಿದ್ದಾನೆಂದು ತಿಳಿದ ಕೂಡಲೇ ಟ್ರಾನ್ಸ್‌ಫರ್ ಮಾಡಿ ಮೈಸೂರಿಗೆ ಕಳುಹಿಸಿದರು. ಆಲ್ಲಿಗೆ ಪಾಷಾ ಕುಟುಂಬದವರು ಭೇಟಿ ಮಾಡಲಿಕ್ಕೆ ಹೋದಾಗ ಅವರನ್ನು ಭೇಟಿ ಮಾಡಲಿಕ್ಕೆ ಬಿಡಲಿಲ್ಲ. ಪುನಃ ೩-೪ ದಿನಗಳೊಳಗೆ ಬಿಜಾಪುರಕ್ಕೆ ಟ್ರಾನ್ಸ್‌ಫರ್ ಮಾಡಿದರು. ಬಿಜಾಪುರಕ್ಕೆ ಹೋಗಿ ಅವರ ಕುಟುಂಬದವರು ನೋಡಿದರೆ ಹೆಲ್ತ್ ಕಂಡೀಷನ್ ಸರಿಯಾಗಿರಲಿಲ್ಲ. ಈ ಕಾರಣದಿಂದ ಅವರು ಇವರ ಬಗ್ಗೆ ಕಂಪ್ಲೆಂಟ್ ಕೊಟ್ಟರೆ, ಬಿಜಾಪುರದಿಂದ ಬೆಳಗಾಂಗೆ ಟ್ರಾನ್‌ಫರ್ ಮಾಡಿದ್ದಾರೆ ಬೆಳಗಾಂನಲ್ಲಿ ಅವರ ತಮ್ಮ ಅವರನ್ನು ಹೋಗಿ ಭೇಟಿ ಮಾಡಬೇಕಾದರೆ ೩ ಗಂಟೆ ತಡೆ ಮಾಡಿಬಿಟ್ಟರು. ಅವರನ್ನು ಕಂಡ ಮೇಲೆ ಅವನ ಹೆಲ್ತ್ ಕಂಡೀಷನ್ ಬಹಳ ಕೆಟ್ಟು ಹೋಗಿತ್ತೆಂದು ಗೊತ್ತಾಯಿತು. ಆ ಬಗ್ಗೆ ಇದೇ ತಿಂಗಳ ೧೦ನೇ ತಾರೀಖಿನ ಡೆಕ್ಕನ್ ಹೆರಾಲ್ಡ್‌ನಲ್ಲಿ ಒಂದು ಆರ್ಟಿಕಲ್ ಬಂದಿದೆ. ಅದರಲ್ಲಿ ಅವರ ತಮ್ಮ ಭೇಟಿ ಮಾಡಿದಾಗ ಕಂಡದ್ದನ್ನು ಈ ರೀತಿ ರಿಪೋರ್ಟ್ ಮಾಡಲಾಗಿದೆ.—

"He had plaster on his chest, the ankles had wounds on them and blood was coming out."

SRI K. BHASKAR NAIDU—Mr. Speaker Sir, I raise a point of order. Sir, I would like to draw your attention to rule 52 (3) and 52 (7) which clearly says that it is not a matter of public importance.

SRI MALLUR ANANDA RAO—It is for the Chair to decide.

SRI K. BHASKAR NAIDU—Sir, the Hon. Member was reading the news which appeared in the paper and all that. That is why I raised a point of order. Rule 52 (3) says "the matter shall be restricted to specific matter of recent occurrence." But my learned friend said that these things have happened some years back and one more thing he said was about the arrest of a prisoner and also about the enquiry etc., I think the matter is in the Court. So, 52 (7) says "the motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India." All these things have to be satisfied. So, this matter which is pertaining to an individual cannot be brought before this house.

SRI S. R. BOMMAI—Sir, the Hon. Member is raising a matter pertaining to a prisoner because the life of that prisoner is in danger, He was shifted from the place to another and he was not permitted to have an interview with his brother. Therefore, it is matter of public importance and there is no question of subjudice. Mr. Bhaskar Nadiu has said that there is no enquiry regarding the under trial prisioner, therefore we cannot raise the matter. Here we are not raising any matter regarding the enqury. We are now concerned with the safety and the life of the prisoner and to that extent this is an urgent matter. Therefore, the Hon. Member Sri Fernandes was raised it.

SRI D. DEVARAJ URS (Chief Minister)—Sir, the adjournment motion is yet to be allowed; Then, what is the point in going on explaining this.

MR. SPEAKER—I request the Hon. Member to make a brief submission regarding this adjournment motion. Hon. Minister Sri Jakanur is ready with the reply. He will make a statement on this.

SRI D. DEVARAJ URS—Sir, I think the Hon. Leader of the Opposition would also appreciate if he wants to seek the premission of the Chair for the motion to be moved he should restrict his submission to the point. If he goes into the details of the case as if the adjournment has been admitted, it is not correct. You should not take the advantage of permission given for explainingthe case. This is my submission.

ಶ್ರೀ ಮೈಟೇಲ್ ಬಿ. ಫರ್ನಾಂಡೀಸ್—ನಾನು ಕೆಲವೇ ಮಾತುಗಳನ್ನು ಹೇಳಿ ನನ್ನ ವಿಷಯವನ್ನು ತಿಳಿಸುತ್ತೇನೆ. ಈಗ ಅವನು ಬೆಳಗಾಂನಲ್ಲಿ ಇದ್ದಾನೆ. ಆತನ ಭಾವ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ಜುಲೈ ೩೧ರಂದು ರೆಪ್ರೆಸಂಟೇಷನ್ ಕೊಟ್ಟಿದ್ದಾನೆ. ಅದರ ಮೇರೆಗೆ ಅವರನ್ನು ಬೆಂಗಳೂರಿಗಾಗಲೀ ಅಥವಾ ಮೈಸೂರಿಗಾಗಲೇ ಟ್ರಾನ್ಸ್‌ಫರ್ ಸೇಫ್‌ಟಿ ಎನ್‌ಶ್ಯೂರ್ ಮಾಡಿ ಅವರು ಲಿನ್ ಕಮೀಷನ್ ಮುಂದೆ ವಿಚಾರವನ್ನು ತಿಳಿಸುವುದಕ್ಕೆ ಇಚ್ಛೆ ಇದ್ದಲ್ಲಿ ಅದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಮಾಡಿಕೊಡುವುದಕ್ಕೆ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಕ್ರಮ ಕೊಳ್ಳಬೇಕಾಗಿದೆ. ಈ ಎನ್‌ಕ್ವೈರಿ ಆಗುವವರೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳನ್ನು ಸಸ್‌ಪೆಷನ್ನ್‌ನಲ್ಲಿ ಇಡಬೇಕು ಇಲ್ಲದಿದ್ದರೆ ಅವರನ್ನು ಟ್ರಾನ್ಸ್‌ಫರ್ ಆದರೂಮಾಡಿ ಈತನಿಗೆ ಭಯ ಇಲ್ಲದ ಹಾಗೆ ಮಾಡಬೇಕು ಮತ್ತು ಬೇರೆಯವರು ಯಾರು ಇವರ ಹಾಗೆ ಟ್ರಾನ್ ಪರ್ ಆಗಿದ್ದಾರೆ ಅವರೂ ಕೂಡ ರ್ಯಾಯಟ್ ಮತ್ತು ಪಾಷಾನ ಸಾವಿನ ಬಗ್ಗೆ ಎವಿಡೆನ್ಸ್ ಕೊಡುವ ಹಾಗೆ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

SRI A. B. JAKANUR (Minister of State for Regulated Markets)—Convict No. 10959 K. C. Riazuddin S/o G. K. Mohiddin was sentenced to imprisonment for life on 11th August 1968 by the Sessions Judge, Mysore, under sections 302 and 324 I.P.C. He was confined at Central Prision, Bangalore. On February 20, 1978 the said convict submitted a petition through proper channel to the Inspector General of Prisions for his transfer to Mysore on the ground that his mother was very serious and wanted to meet her often. Hence he was transferred to Mysore on 21st February 1978. It should be noted that the petition was given voluntarily and without any coercion. At the Mysore Jail the prisoner did not behave properly and the Superintendent requested on four occasions for his transfer to some other place. When the Inspector General of Prisons visited the jail on 25th March 1978 he advised the convict to follow the rules and behave properly. Inspite of this the behaviour of the convict did not improve, hence he was transferred to District Prison, Bijapur, On 4th May 1978. After a month of admission into the District Prison, Bijapur, the Superintendent of District Prison, Bijapur, submitted a report stating that the prisoner was incorrigible, indisciplined and

was in the habit of instigating the other prisoners to form gangs and evading to do the work work allotted to him. This is the basis on which the Superintendent, District Prison, Bijapur recommended the transfer of this prisoner and he was transferred to the Central Prison, Belgaum, on 12th June 1978.

On 26th June 1978 when the brother-in-law of the convict came for an interview, the prisoner started critcising the administration of the prisons and Government etc., and the Chief Jailor interrupted and asked him to speak only the Family Welfare matters as per rules. Since the prisoner did not accede, the Chief Jailor terminated the interview. When a registered Acknowledgment letter addressed to this prisoner was received on 21st July 1978 he refused to sign the acknowledgment on the ground that he must know the contents of the letter first. Since the prisoner was reluctant to sign the acknowledgement the postal authorities did not permit him to open the letter and hence the letter was returned to the addresses. The prisoner was examined by the two Medical Offieers of the Central Prison, Belgaum and they have certified that his health condition is good. He has not been beaten or harassed and is treated like any other prisoner in the Jail. The brother-in-law of the convict asked for the history sheet of the convict and since there was no provision in the Karnataka Prison rules or Manual for supply of such document, hence the money i.e., sent Rs. 5 by the addressee was returned to him. The convict has been given every opportunity to represent his grievances. ಮತ್ತು ಅವರ ಜೀವನದ ಬಗ್ಗೆ ಮಾನ್ಯ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರು condition very is serious etc. ಎಂದರು. ನಾನು ತಿಳಿದುಕೊಂಡ ಮಟ್ಟಿಗೆ ಕನ್‌ವಿಕ್ಟ್‌ರಿಗೆ ಏನೂ ಆಗಿಲ್ಲ, ಜೀವಕ್ಕೆ ಯಾವುದೇ ತರಹದ ತೊಂದರೆಯಾಗಿಲ್ಲವೆಂದು ಆಶ್ವಾಸನೆ ಕೊಡುತ್ತೇನೆ.

ಶ್ರೀ ಮೈಲೇಲ್ ಬಿ. ಫರ್ನಾಂಡೀಸ್.–ಲಿನ್ ಕಮೀಷನ್ ಮುಂದೆ ಅವರು ಸಾಕ್ಷಿ ಕೊಡಬೇಕೆಂದು ಬಹಳ ಇಷ್ಟಪಡುತ್ತಿದ್ದಾರೆ. ಅದಕ್ಕೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಅವಕಾಶ ಮಾಡಿಕೊಡಲಿಕ್ಕೆ ಸಾಧ್ಯವೆ, ಇಲ್ಲವೆ, ಎಂಬುದನ್ನು ಹೇಳಬೇಕು. He is wanting to be a free man. He will not be so careless as was made out by the Minister. He has been a man of good behaviour. I have seen him with my own eyes when I was a MISA detenu. He was working in the office as an Attender, not in the barracks. Let the Commission give him a chance. Let some members go and see if he is in a good condition or not. His brother-in-law has written a letter to the Chief Minister.

SRI D, DEVARAJ URS (Chief Minister).—He will be given an opportunity to appear before the Lynn Commission and in the process if it become necessary to make changes from there to some other place I will consider that also.